

Notice of Allowability

Application No.

09/803,898

Examiner

John M. Winter

Applicant(s)

KURIYA ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The paper filed on July 13, 2006 and the IDS filed January 24, 2007.
2. ☒ The allowed claim(s) is/are 67-73.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 1/24/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

The Information Disclosure Statement filed on January 24, 2006 has been fully considered.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin McKinley on September 14, 2006.

The application has been amended as follows: Claims 74, 75 and 77-83 have been canceled

Allowable Subject Matter

Claims 67-73 are allowed over the prior art record.

1. The following is an examiner's statement of reasons for allowance:
2. The closest prior art of record

Stefik et al. (US Patent 5,715,403) teaches a system controlling distribution and use of digital works. Akiyama (EP 1 041 767 A2) teaches a system for authenticating data send to a certified system. The Technology of Rights: Digital Rights Management http://www.kcoyle.net/drm_basics.pdf teaches a system for utilizing DRM for copyright protection.

What they fail to teach or suggest:

A.

None of the art of record, taken individually or combination disclose at least the steps/components of

“second information providing apparatus comprising: fifth reception control means for controlling a reception of said request for purchasing said content from said first information providing apparatus; fourth transmission control means for controlling in response to said request for purchasing said content transmission of said device identification information and said usage conditions to said first information providing apparatus; sixth reception control means for controlling a reception of a request for said content from said information processing apparatus; and fifth transmission control means for controlling, in response to said request for said content, transmission of said content to said information processing apparatus.”

Art Unit: 3621

Even if the features missing from the above cited prior art were found in a reasonable number of references a person of ordinary skill in the art at the time of the invention would not have been motivated to combine these reference because the claimed feature of “ sixth reception control means for controlling a reception of a request for said content from said information processing apparatus; and fifth transmission control means for controlling, in response to said request for said content, transmission of said content to said information processing apparatus ” is not a feature normally associated with providing electronic content and therefore would have to be disclosed by art unrelated to electronic content distribution systems.

These distinct features render claim 67 allowable.

Claims 68 is dependent upon claim 67 and are therefore allowable for at least the same reasons.

B.

None of the art of record, taken individually or combination disclose at least the steps/components of “storage control means for controlling a storage of said information for identifying said another information providing apparatus and for identifying said usage condition in correspondence with controlling identification for identifying said user identification data; second transmission control means for controlling a transmission of said information for identifying said another information providing apparatus and usage condition of said content to said information processing apparatus.

Even if the features missing from the above cited prior art were found in a reasonable number of references a person of ordinary skill in the art at the time of the invention would not have been motivated to combine these reference because the claimed feature of “ second transmission control means for controlling a transmission of said information for identifying said another information providing apparatus and usage condition of said content to said information processing apparatus. ” is not a feature normally associated with providing electronic content and therefore would have to be disclosed by art unrelated to electronic content distribution systems.

These distinct features render claim 69 allowable.

Claims 70-73 are dependant upon claim 69 and are therefore allowable for at least the same reasons.

Art Unit: 3621

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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Patent Examiner -- 3621



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